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# HOUSE PANEL CLEARS BILL TO BAN NAMING OF COVERT AGENTS

## Judiciary Committee Rejects Steps to Soften Measure and Urges Passage in Full Chamber

By CHARLES MOHR  
Special to The New York Times

WASHINGTON, Sept. 3 — The House Judiciary Committee, easily defeating proposed restrictions, today approved a bill that would make publication of nonsecret information a crime if it disclosed the identity of a "covert agent" of a United States intelligence agency or an informer for the Federal Bureau of Investigation.

The vote was 21 to 8 on the legislation, which the House is expected to pass handily.

Seven Democratic members joined 11 Republican members to defeat the nine Democratic liberals on the key vote. That vote was on a recommendation by a subcommittee last week for deletion of the most controversial portion of the bill, the provision that would make it a crime for private citizens, including journalists, to reveal the identities of agents.

### Some Provisions Not Contested

There has been no serious controversy over the provisions of the bill that would make it a crime for Government officials or former officials who have had "authorized access to classified information" knowingly to make such a disclosure.

The House bill imposes penalties of up to three years in prison on anyone who identifies and exposes covert agents "with the intent to impair or impede the foreign intelligence activities of the United States."

The bill that is pending in the Senate is somewhat different, penalizing "a pattern of activities" made "with reason to believe" that they would impair intelligence activities.

### Plan to Punish Agee

Some sponsors of the legislation have said their intent is to punish a former officer of the Central Intelligence Agency, Philip Agee, who wrote a book about agency activities, and the three-member staff of a Washington newsletter called the Covert Action Information Bulletin, which regularly publishes the names and personal staff movements of purported officers of the C.I.A.

The staff members of bulletin have insisted that they are able to obtain the identities of agents in United States embassies because job titles and ranks in old Government biographical registers are easily decipherable. They also insist that they have only identified officers with "shallow" diplomatic cover, not truly secret agents.

Further, critics of the bill say that it is probably an unconstitutional infringement of freedom of press and speech. They have contended that it could be extended to journalists and publications who report any abuses or questionable practices by the intelligence services.

Representative Don Edwards, Democrat of California, urged the Judiciary Committee to delete the clause extending the bill to private citizens, saying that it would make the "whole bill unconstitutional" to attempt to penalize the use of information already in the public domain.

Representative John F. Seiberling, Democrat of Ohio, added that some previous press disclosures, such as reports on the murder of Vietnamese intelligence agents by American personnel who suspected them of being double agents, might have been illegal under such a law.

### 'Treated Like Criminals'

The committee majority, however, voted to retain the provision, which had been approved by the House and Senate intelligence committees. It also defeated a motion by Mr. Seiberling that specifically would have made legal the disclosure of an agent's identity if the identification was based solely on non-secret information.

Representative Henry J. Hyde, Republican of Illinois, contended that those who publish the names of agents should not be "permitted to hide" behind the First Amendment but should "be treated like the criminals they are."

Mr. Hyde and several others members also appeared to doubt that past disclosures of controversial C.I.A. operations had served the national interest. Mr. Hyde said he could see little difference between C.I.A. efforts to prevent the election of a Marxist president in Chile and the financial support extended by American labor unions in recent days to Polish strikers. "I think both were probably good," Mr. Hyde said.

Another Illinois Republican, Representative Robert McClory, said that the work of the C.I.A. from the late 1940's until 1975 was "so tremendous in keeping us out of war." It was in the mid-70's that Congressional committees began hearing extensive testimony on abuses by intelligence agencies.

### Killed F.B.I. Amendment

The full Judiciary Committee also killed the amendment passed last week by the subcommittee on civil and constitutional rights that would have deleted a penalty for identifying a "covert agent" of the Federal Bureau of Investigation's counter-intelligence or counter-terrorism teams.

Critics contend that that would make it illegal to name the kind of informers who have in the past infiltrated and reported on domestic political movements that the F.B.I. believes have foreign ties.

Earlier this year high intelligence and legal officials of the Carter Administration appeared to accept, albeit reluctantly, a narrower version of the bill. But this week the Director of Central Intelligence, Adm. Stansfield Turner, and others urged in letters that Congress pass the more stringent version.

Morton H. Halperin, a spokesman for the American Civil Liberties Union, said the organization believed that the bill approved today was unconstitutional and would "cover a great many situations in which identities are necessary for debate on important issues."

The Senate Judiciary Committee will hear testimony on the controversy on Friday from a variety of witnesses, including Admiral Turner.